

His professional advancement was rapid from the beginning ; clients sought him, and he soon had his pick of the best and most desirable. It would not be unfair to attribute some of his success to his close association with General Pierce, yet so strong was his personality, and so compelling his nature, that a large clientage must have been his in any event. He was well fitted for success in any field of professional or public endeavor, for he was endowed with a strong mind, great health, and vigorous activity. In 1847, 1848, and 1850, he was clerk of the senate, and from 1850 to 1855 solicitor of Merrimack county. During this period Colonel George received the appointment of United States district attorney at the hands of his friend in the White House, and held the office until the Buchanan administration named Anson S. Marshall as his successor. These comprised all his public offices. Firmly impressed with the tenets of the Democratic party, the vast upheaval of war times never changed his fealty ; and so, with superior qualifications for public service, he lived and died a private citizen. Party nominations were accorded him when success was beyond his reach, but when party rewards were distributed not one fell to him.

Among his townsmen and throughout the state he was rated at his worth and highly appreciated. But enemies he made, and he generally kept them. Strenuous in all he did or said—and no man in his generation did or said more things—he sometimes hit too hard for forgiveness, yet he was not an unwilling forgiver himself. It was in the way he did things that he showed his title to be called an original and sturdy personality. He welcomed contention, and there was no fight not to his liking. In the court-room, on the platform, or before a committee, his style and manner were the same ; there was no acting, no apologies, nothing but a strong and impulsive nature fighting for victory. He was masterful in having his own way and detesting compromises, and his way was, in his judgment, the only way. Sometimes he caused scenes in court-rooms, especially by his anger provoking method of examining witnesses, or by his exuberance of statements to counsel and jurymen. His presence in a trial was the signal for a crowd of spectators, and he rarely disappointed expectations. His audacity and pugnacity were peculiarly his own, and he exhibited them with vehement picturesqueness on all occasions. With a frankness always prominent his speeches were replete with the plainest of words, no matter what the occasion might be. He never trimmed his sails or changed his course, but kept straight on to the desired end. What he lacked in discretion he made up in earnestness ; therefore he was often at his best in assault. The prudence of defense did not always come natural to him ; he preferred the bold and

aggressive tactics of unrestricted attack. But his knowledge of humanity was so deep, and his professional resources so ready, that some of his best results, after all, came from his defense in criminal cases. A student he never was, books never appealed to him, yet long practice had made him a power before any tribunal. He was adroit in his methods and convincing himself of his cause, he used every endeavor to convince others.

In railroad matters he was an authority, so in 1867, when he assumed the legal business of the Boston & Lowell system, he was already an accomplished corporation lawyer. In the great railroad litigations of Massachusetts and New Hampshire he bore a foremost part, being considered by all a consummate master of the subject. Another trait he possessed was sociability, for a more hospitable man never lived in Concord. His home was always open, and his guests comprised the distinguished men of the day. Fond of his farm, he spent his means freely in flocks and herds, which he considered the best of his belongings. In Concord affairs Colonel George manifested the deepest interest; in the public schools he had a pride; in all things having for an end the welfare of his native place he never, to the close of his life, turned an averted face. Sometimes indiscreet and often exasperating, yet he so balanced his conduct as to continue on good terms with his fellow-citizens, who recognized his warm heart and companionable disposition.

During his career he delivered many addresses comprising various topics, and he never failed to instruct and enlighten. When the 5th of February, 1888, came, and men learned that Colonel George was no more, not one but felt that Concord had lost a loyal son and a pillar of strength.

Another lawyer of this period, prominent and popular, was Anson S. Marshall. With Mr. Mugridge and Colonel George he was in almost constant antagonism, for among them were divided nearly all the important litigations of the time. Mr. Marshall was born in Lyme the 3d of December, 1822, and was graduated at Dartmouth in the class of 1848. For three years he taught school in Fitchburg, studying law in the meanwhile, and then coming to Concord entered the office of Pierce & Minot. There he learned both law and practice, and practical politics as well. In 1852 Mr. Marshall formed a partnership with Henry P. Rolfe, and eleven years later associating with himself William M. Chase, the well-known firm of Marshall & Chase was formed, which continued up to the day of Mr. Marshall's death. To this office business was attracted in ever-increasing volume until the firm became one of the leading law partnerships in the state.

Following his strong bent for politics Mr. Marshall gained a prominent place in Democratic councils, and retained it through life. Elective office under existing conditions was beyond his reach, his only position of that kind being the clerkship of the house of representatives in 1854, but in 1858 President Buchanan appointed him United States district attorney, and he held the place until the coming in of the Lincoln administration. In the grave questions arising out of the Civil War he manifested a deep and active interest, and frequently spoke in the exciting campaigns. But with all his activity in public affairs, he never suffered his professional career to be impaired in the least. Law was always his first consideration. He practised rather more than he studied law, yet his careful preparation of cases was admirable. Attentive to the details of facts, his presentation to the court and jury was of a high order of excellence. As a lawyer he was noted for skilful and searching examination of witnesses, and for strong and persuasive advocacy. His readiness of speech combined with lightness of touch and stinging sarcasm made his addresses very taking with jurymen as well as popular with audiences.

Mr. Marshall possessed an active and acquisitive mind singularly enriched with the love of literature which was generously shown in speeches and social intercourse. As a citizen he was held in esteem by all classes, making friends by his sympathetic and attractive personality. For many years he was clerk of the Concord Railroad, and took an active part in the opening contests of the protracted railroad fight that once convulsed the state. Love of nature and a warm appreciation of her beauties were among his salient characteristics, and few knew better than he the picturesque charms surrounding his adopted city. Indeed, it was this very love of the delights of outing that led him to his untimely end. Accompanied by Mrs. Marshall and his young son, now Anson S. Marshall, of this city, he sought the delightful shores of Long pond on the 4th of July, 1874. Unseen by Mr. Marshall, a militia company had encamped not far away, and some of the men began firing at a target. Hearing shots whistle above his head, Mr. Marshall rose to his feet to investigate, when a rifle ball penetrated his abdomen. A few hours later, in the early morning of the following day, he died in the little house then standing at the head of the lake.

One of the most distinguished looking as well as one of the best general practitioners of the period extending from 1860 to the time of his death in 1884 was John Y. Mugridge. Nature had been gracious in bestowing upon him a noble figure and a dignified deportment, together with a generous disposition quickly sympathetic

to suffering and injustice. His wit and humor were as constitutional as his attractive personality. No lawyer was more popular among his associates nor was any citizen more esteemed than Mr. Mugridge.

He was born in Meredith the 15th of April, 1832, and received an academy education. He became a resident of Concord in 1853, and entered the office of Asa Fowler as a student, but he had previously studied for some time with the most famous legal wit of his day, Colonel Whipple of Laconia. Mr. Mugridge was admitted to practice in 1854. Although the bar at that time was distinguished by strong lawyers, he soon gained a standing and passed rapidly onward to success. From 1861-'68 he was city solicitor, and the experience he received during that turbulent period of Concord's history was of signal advantage in his profession. While manifesting but slight personal interest in politics, it was inevitable that a man of Mr. Mugridge's ability and acquaintance should hold office; accordingly he served in the legislatures of 1862, 1863, and 1875, and in the senates of 1868 and 1869, being president the last year. Law, especially the trials of cases, was distinctively his passion, and therein he certainly excelled.

For many years Mr. Mugridge was unquestionably the foremost trial lawyer in New Hampshire, engaging in more contested jury cases than any of his contemporaries. He was a great cross-examiner and a remarkably effective advocate. As a learned lawyer his place was not high, for he was not a reader of books beyond those of a professional nature. But he never appeared superficial in what he did: he knew by instinct what to say and what to conceal. No lawyer had more students around him than he had, and one year the number rose to seven. He always had a welcome for them all: a joke if possible, or some pertinent story to illustrate their shortcomings or peculiarities. The consequence of this was a bond of fealty between him and the young members of the bar, who at the first sign of trouble immediately sought his advice or retained his services. In the matter of his partnerships he was fortunate, for both Josiah Minot and Colonel Tappan were strengthening influences in the way of complementing his own abilities and capacity. Mr. Mugridge was a hard worker, testing his vitality on all occasions, and keeping nothing for himself. Negligent of holidays and averse to vacations, he toiled on, unsuspecting his limitations, until the quick, unyielding summons overtook him. With a suddenness altogether shocking to his associates and the public, his last hours were upon him, entailing barely a week of suffering when he passed away. His death occurred the 14th of April, 1884, in the midst of a busy term of

court in which his services had been retained on one side or the other of more than half the cases.

In the remarkably equipped firm of George, Foster & Sanborn, the junior partner was endowed with mental abilities that in no degree suffered in comparison with the acquirements of his seniors. Charles P. Sanborn was a born lawyer. His mental operations were of bewildering rapidity, his logical assimilation of law and facts was precise, and his oral presentation of his case to court or jury was most admirable. With a mental vision exceedingly clear, he made things clear to others, leaving nobody in doubt as to his meaning. Mr. Sanborn was born at Concord the 12th of September, 1834. Entering Yale in 1852, he remained three years, thus losing the distinction of being graduated in one of the most illustrious college classes on record,—Yale, 1856.

Mr. Sanborn then began the study of law with Henry A. Bellows, who afterwards became his father-in-law, and in 1860 he was admitted to the bar. He at once joined the firm composed of John H. George and William L. Foster, and was soon engaged in large practice. In 1867 Colonel George accepted the solicitorship of the Boston & Lowell Railroad, and two years later Mr. Foster went on the supreme bench, thus ending the partnership. Thereafter alone or in company with Warren Clark, Mr. Sanborn continued his practice until failing health a few years before his death compelled his retirement. Political preferment seemed natural in his case, and it was his own disinclination that stood between him and high honors. In 1862 and 1863 he was a member of the legislature, and again in 1875 and 1876, when he served as speaker of the house. As a presiding officer Mr. Sanborn achieved wide reputation, and proved to all his peculiar aptitude for public affairs. For several successive terms he was elected city solicitor, and it was during this service that he took a prominent part in the Lapage murder trials.

Having been a teacher in his youth, Mr. Sanborn's interest in public education was always lively; he viewed the subject in a broad and intelligent manner, was quick to discern the needs of the schools and generous in suggesting changes and improvements. In 1874, and for several years subsequently, he was a member of the board of education. Two specimens of his legal literary skill remain in the codification of the city ordinances, and in a revised and substantially new edition of the "Justice and Sheriff." Wanderings in the country and excursions for flowers and minerals were greatly to his taste, for his knowledge of nature was deep and accurate. Although Mr. Sanborn was a most genial and companionable man, his intimacies were not numerous; he had none of the heartiness often as-

cribed to self-advertisement, nor did he court popular favor. Polite and quiet in his social intercourse he went through life avoiding friction, keeping friendships, so when the end came sincere grief surrounded his bier. His death occurred the 3d of June, 1889.

Another lawyer of this later period, popular as he was unobtrusive, was Warren Clark. Born in Hopkinton the 29th of March, 1837, and receiving an academy education, Mr. Clark passed several years in teaching. While a student at Norwich Military school he had shown an unusual aptitude in its curriculum, and had become a proficient student of military science. This predilection exercising a strong influence over him, showed itself in the opening days of the Civil War.

His knowledge was recognized and his services sought by the military authorities of the state to aid in the organization of the early regiments. As a drill-master he achieved success, and contributed largely to the discipline and soldierly bearing of the companies under his charge. Admitted to the bar in 1862, he began practice in Henniker, remaining there until 1870, when he moved to Concord, and soon formed a partnership with Charles P. Sanborn. Here his practice was largely of the office kind, but his abilities were of a substantial order that attracted clients and made friends. In 1874 he received from Governor Weston the appointment of judge of probate for Merrimack county, his predecessor being Asa P. Cate. While holding this position only two years Judge Clark impressed both the bar and the public with the stability of his character, his good sense, and his equipoise of disposition. Politics alone compelled his retirement. Mr. Clark always manifested a great interest in the public schools, serving several terms as a member of the board of education, and for a time acting as superintendent of Union district. In 1888 President Cleveland made him postmaster of Concord, an office he held until the Harrison administration found his successor two years later.

Judge Clark was a modest man, who preferred calm and amity in his professional and every-day life; a kindly man, too, in all his relations, an admirable story-teller with mimic powers wonderfully developed, a delightful companion, the soul of integrity. He died on the 22d of November, 1891.

After receiving the appointment of chief justice of the supreme court, Judge Sargent left Wentworth, which had been his home for many years, and took up his residence in Concord. From 1873 to his death, seventeen years later, Judge Sargent was one of Concord's foremost citizens. He was born in New London the 23d of October, 1816, and, preparing for college at the Hopkinton and the Kimball

academies, entered Dartmouth with the class of 1840. After teaching school and studying law in Virginia and Maryland, he was admitted to the District of Columbia bar in 1842.

Soon returning to New Hampshire he first began practice in Canaan, but in 1847 moved to Wentworth, which was his residence until he came to Concord. For ten years he served as solicitor of Grafton county, and in 1851, 1852, and 1853 he was a member of the house of representatives, and speaker of that body the last year. In 1854 he was chosen a state senator, and in June was made president of the senate. Early in April of the following year he was appointed a justice of the old court of common pleas, holding the office until the summer of that year, when the court gave way to a new tribunal bearing the same name. To this bench Judge Sargent was at once assigned, and there he continued for four years. Again a change in the judicial system took place, the common pleas was abolished, and an additional justice added to the supreme court. The new judgeship was conferred on Judge Sargent, and he remained as an associate justice until 1873, when he succeeded Chief Justice Bellows. In the summer of 1874 a radical change in the judiciary was made which resulted in establishing two courts whereby Chief Justice Sargent and nearly all his associates again became members of the bar. A review of Judge Sargent's career while on the bench shows him to have been a hard-working and most painstaking judge, one that loved labor for its own sake and always did more than his share in holding terms and writing opinions. Three hundred published opinions, extending through seventeen volumes of reports, attest the diligence of his work and the thoroughness of his researches. Unwilling to bear the shock of leisure, he returned to active practice by forming a partnership with William M. Chase. In 1876 Judge Sargent was a member of the constitutional convention, and the next year became chairman of the commission to revise the General Statutes. He now gave up law and became engaged in banking, being a director of the State Capital bank, and president of the Loan and Trust Savings bank.

Judge Sargent possessed many tastes in common with his fellow-men; he was a decidedly social and affable man, easy of approach and conciliatory in disposition. In historical matters he manifested an intelligent activity, and delivered several addresses before the New Hampshire Historical society, of which he was president in 1888 and 1889. His death took place at his residence on the corner of School and Merrimack streets the 9th of January, 1890.

Among the celebrated trials in the sixties was the suit of *Frost vs. Concord*. It was a claim for personal injuries sustained by an

alleged defect in the highway, and was one of many similar cases then pending against the city. About that time an epidemic of such suits set in, which if successful threatened to bankrupt the city treasury, for at one term no fewer than ten highway suits were on the docket. And so it happened that this particular case marshaled to its trial distinguished counsel and an interested public. The first trial took place at an adjourned term in 1863, Chief Justice Bell presiding. George, Foster, and Sanborn were for the plaintiff, with John P. Hale and City Solicitor Mugridge for the defense,—names so well known as to arouse great expectations. Colonel George was at his best, sparing neither himself nor others in his professional exertions, and the same was true of the distinguished United States senator, who held a brief for Concord. Colonel George, however, was peculiarly in his element, for much prestige depended on the issue, and, moreover, he was thoroughly impressed with his client's wrongs. The plaintiff certainly made out a case well calculated to excite sympathy, for his injuries appeared to have left him deaf, dumb, and paralyzed. This being the contention, his counsel constructed an almost impregnable case which the jury must have believed, for they gave him a verdict of two thousand five hundred dollars.

But the end was not yet. Frost sued out a writ of review, and the second trial as compared to the first was as a battle to a mere skirmish. The public was now thoroughly aroused, for the suspicion of shamming advanced by the defense took strong hold of many who had watched the proceedings. The second trial began in January, 1866, before Judge Sargent. The counsel were the same as before excepting Colonel Tappan, who took the place of Mr. Hale who had been appointed minister to Spain. This trial lasted seventeen days; scores of witnesses went on the stand, including many surgeons who testified for and against the plaintiff, thus adding confusion and perplexity to the contest. The principal witness for the city was Dr. Timothy Haynes, a surgeon of wide experience and tenacious opinions, whose testimony was based on his belief that the plaintiff was feigning his ills. Between Dr. Haynes and Colonel George there was a state of outspoken hostility arising out of another case which, added to the doctor's opinions on the witness stand, aroused in the colonel a ferocity of cross-examination rarely listened to in a court of justice. Those who heard it were always at a loss to express adequately the sensations they felt during that passionate encounter. Eloquent were the closing arguments of Colonel George and Colonel Tappan (who spoke all day), and great was the relief when the end was reached. How desperate the battle had been, and how uncertain its results, was shown in the deliberations of the jury.

For twenty-six hours they remained shut in their little apartment, discussing their verdict, which they finally found in favor of the plaintiff in the sum of two thousand five hundred and fifty dollars, which was practically the amount found at the former trial. About the time of the Frost case Colonel George had himself brought suit against Concord involving the Legal Tender Acts, and this proceeding, together with the willing and earnest espousal of so many highway cases, somewhat impaired his popularity for the time being, and in a degree diverted business from his firm.

During the seventies the supreme court room underwent certain changes and remodelings having for an end some improvement or convenience, but so rigid and set were the original plans that the innovations did not become permanent. Once, Judge Doe undertook to improve the appearance of its interior arrangement by moving the huge box-like jury seats and unsightly bench, but the result did not invite repetition. Once, Judge Isaac W. Smith came near asking the grand jury to declare the court accommodations a public nuisance, and more than once Attorney-General Tappan, on recovering his breath after climbing the long stairs, gave vent to most uncomplimentary remarks respecting the building and its manifold defects. Built with an eye to massiveness rather than to utility or beauty, the court house has always been a source of complaint and regret; and to-day Concord alone of all the shire towns furnishes for its seat of justice the most ill-favored architectural anachronism in all New Hampshire. Once, however, the great barn-like court-room came within a hair's breadth of being the cause of a tragedy whose horror would have shocked the country. Spacious as it is, and inviting to crowds, the room on that occasion packed to the window-sills was all too small for those seeking entrance. It was the occasion of a celebrated trial involving the paternity of an infant. Attracted by the raciness and pungency of the proceedings, great crowds sought the court house. Never before had the oldest sheriffs seen crowds like these, and never in their experience had their efforts for order been so unavailing. Men, women, and young people as soon as the doors were opened filled the room to overflowing, and once wedged in their places there they remained until adjournment. Those unable to gain admittance surged at the doors and crowded the stairways and halls. The case was called for trial before Judge Sargent at an adjourned term held in January, 1870. Anson S. Marshall and William M. Chase appeared for the prosecution, and Mason W. Tappan and John Y. Mugridge for the respondent. Had the case been an ordinary one the fame of the attorneys might have called forth a large audience, but being so seasoned with scandal and curiosity the trial became almost a public demonstration.

The trial was opened on the 20th, and five days later the arguments began. Rarely had so many human beings squeezed themselves into like space as on the occasion of those last arguments. Every seat was occupied, benches and chairs were brought in, yet the eager throng pushed forward towards the actors until the bar enclosure was a living mass, and even the bench itself was invaded. It was about 3 o'clock on the afternoon of the 25th, when Colonel Tappan was in the full flow of his eloquent address, that several sharp cracks suddenly startled the hushed assemblage. Simultaneously came the sensation of the floor sinking gradually beneath their feet, a fearful instant of breath-taking horror. Everything depended on quick authority, for a stampede might precipitate the crowd to the floor below, and fortunately, John Connell, city marshal, recognizing the peril, called out in stentorian voice to the excited crowd to move quietly out of the room. Examination showed that only the promptness of command and its quick obedience saved Concord from a black day of tragedy. The trial was adjourned to the city hall, and ended by a disagreement of the jury. In the meanwhile the court-room floor was strengthened by iron rods, which remain to this day as grim reminders of that averted horror.

While singularly free from atrocious homicides, Concord has been more than once the scene of famous murder trials. The peculiar atrocity of the Lapage case made it a rare one in the annals of crime, and attracted wide attention. The butchery of the victim, her youth, the neighborhood, the cunning concealment of the murderer, the false arrests, the prevailing suspicions, the strange apprehension of the ignorant wood-chopper, the uncertainty of official action, and finally the perplexing circumstances of convincing proof, gave to the case a mystery and interest equaled only by the horror of its perpetration.

The case of State against Lapage, the murderer of Josie Langmaid of Pembroke, was called for trial on Tuesday, the 4th of January, 1876, before a special term of the circuit court held in the city hall. In view of the expected attendance, it was deemed expedient to hold the court in this place rather than to tempt the structural uncertainties of the room above; consequently the judges' bench and the jury seats were constructed on the Main street side of the hall, the rest of the space being arranged for the spectators. The court was composed of Chief Justice Foster and Associate Justice Edward D. Rand; the prosecuting attorneys were Lewis W. Clark, attorney-general, William W. Flanders, county solicitor, and Charles P. Sanborn, while guarding the interests of the prisoner were Samuel B. Page and William T. Norris. High Sheriff Edward Judkins made proclamation, followed by a prayer by Reverend Everett L. Conger. Interpreters were

appointed, and the accused, an ignorant French-Canadian wood-chopper, rose and plead not guilty. Aside from the curiosity generally attending murder cases, this case presented elements of peculiar interest, both to the profession and to the public. It was at once seen that the evidence for the state must be almost wholly circumstantial, and furthermore that the facts connecting Lapage with the crime must be created by evidence purely scientific. There was no doubt that the state had a most difficult task before it; for, notwithstanding popular prejudice against the prisoner, there might be many a slip between surmise and proof absolute. Reasonable doubt, like the ghost in the play, stalked constantly up and down that court-room until the last word was said. For six days the state kept introducing its witnesses, and it was upon some of these that the really absorbing interest and fascination of the whole case centered. For the first time in New Hampshire a man's life depended on the scientific revelations of the microscope. Dark and suspicious spots were found on the clothing and boots of the prisoner, and upon the determination as to whether the stains were those of human blood rested largely the state's contention. This feature of the case had been thoroughly prepared by eminent experts, who made repeated experiments and tests for the enlightenment of the jury. Those called for the state were S. Dana Hayes, Dr. Horace P. Chase, and Dr. Joshua B. Treadwell, while for the defense was Dr. Babcock, all of Boston. With blackboards and charts these gentlemen exhibited their delicate tests, and showed by magnified sketches the all-important differences in measurement between human blood and the blood of numerous animals. Nothing more engrossingly interesting had ever been seen in a court of justice than that extraordinary elucidation of the wonders of microscopic science.

Moreover, the case was remarkable as introducing a witness whose testimony was in conflict with the time-honored rule of incompetency, and from whom it was sought to show the peculiar propensities of the prisoner for committing crimes similar to the one on trial. Lawyers shrugged their shoulders at this perilous departure from precedent, but laymen saw in it the much desired motive necessary for the conviction of the human fiend. The arguments by the attorney-general and Mr. Norris having been concluded, the chief justice charged the jury and the case was in their hands. In two hours the tolling of the court house bell announced that the verdict was ready, and by half-past two in the afternoon of Thursday, the 13th, amidst the appalling stillness of an overflowing crowd, the foreman pronounced the word "guilty as charged." Judge Rand then sentenced Lapage to death, performing his duty in a short

address marked by sublimity of thought and felicity of expression, characteristics peculiar to Judge Rand, and the words were immediately translated into French so that the doomed man might learn his fate. The trial was ended, but not so the case, for within a twelve-month the superior court gave the guilty wretch another chance for his life by setting aside the verdict and ordering a new trial.

This second trial, while repeating much of the former proceedings, was on the whole more interesting, both in manner and thoroughness; and its result, carefully arrived at, satisfied every one that full justice had been done. The personal part of the tribunal had undergone almost a complete change, for in the meanwhile a new judicial system had been established, and with it came changes that introduced new actors.

Supreme Court Justices Allen and Stanley presided, Mason W. Tappan was attorney-general, and with him was Charles P. Sanborn, city solicitor, while for the prisoner were Samuel B. Page, William T. and Herbert F. Norris, and Daniel B. Donovan. Frank S. Dodge was high sheriff, and Adam S. Ballantine, of Northfield, foreman of the jury. Again the city hall was the scene of trial, and, as formerly, the crowd tested its capacity to the utmost. The police arrangements were admirable, and the proceedings were marked with order and dignified silence. The trial began on Monday, the 26th of February, 1877, and on Wednesday, the 7th of March, the evidence was completed. William T. Norris made a strong argument for Lapage, occupying nearly three hours, when the court adjourned for the day. The next morning people gathered as early as 7 o'clock, and two hours later, when the attorney-general rose to speak, city hall held a mass of men and women such as had never before assembled within its walls. For five hours this eloquent man spoke, more than once bringing tears to unwilling eyes; overcoming his hearers with the pathos of his feelings, then stirring in the softest hearts the stern sentiments of just retribution. Fair towards the wretched man in the dock, but unflinching in his duty, Colonel Tappan made that day one of the great addresses of his varied and eventful career.

The charge to the jury, delivered by Judge Stanley, consumed two hours, after which, attended by sheriffs, carrying wearing apparel and other objects in evidence to be used in their deliberations, the twelve men marched solemnly to their room to make up their verdict. It was then a little past 6 o'clock, yet the audience, unwilling to leave the court-room, remained in their places as if confident of a speedy result.

Public anticipations proved correct, for barely an hour had passed

when the jangling bell in the dome summoned the judges and counsel to hear the verdict. Lapage was not far away, for since his first trial he had occupied a cell in the old state prison, and thither he had been taken as soon as the jury retired. In a few moments he was brought into court and placed in the dock. Meanwhile the jury, led by the foreman, filed in and took their accustomed seats. Dimly lighted and oppressively still, the great room seemed set for some tragedy involving human life, and solemn indeed sounded the voice of the clerk as he called on the jury for their verdict. Judge Aaron W. Sawyer, who had taken the place of Judge Allen, who retired owing to illness, then delivered as strange an address as was ever listened to in a court of justice, a doctrinal appeal for the future life of the murderer, not a word of which conveyed the slightest idea to the blank and brutal mind of the convicted murderer. Nor, indeed, could the interpreter himself translate into comprehensible language the strangely misplaced utterances of the judge. A year later Sheriff Dodge and his deputies carried out the sentence of the outraged law, and the atrocious crime passed into the annals of history. The public, although satisfied beyond a reasonable doubt as to his guilt, felt relieved when it was known that the murderer, a few hours before his execution, had fully confessed his fearful crime and asked forgiveness.

Among the lawyers of Concord noted for business ability was Edgar H. Woodman. Possessed of a positive genius for a business life, with great application and perseverance, Mr. Woodman gained a reputation somewhat unusual in the annals of the bar. His birth-place was Gilmanton, and his birthday the 6th of May, 1847. He prepared for college, but preferring a commercial career he studied to that end, when a serious injury from a shot-gun wound compelled an entire change in his plans. He turned to law, and began its study in the office of Minot, Tappan & Mugridge. In 1873 he was admitted to practice, when a position with the treasurer of the Northern Railroad then located at Boston was offered and accepted.

There he remained awhile, and then returned to Concord as treasurer of the Peterborough & Hillsborough Railroad. In rapid succession offices of trust and financial responsibility were conferred upon him—directorships, treasurerships, trusteeships—until his name seemed a part of nearly every interest in and around Concord. His integrity was as certain as his peculiar ability was pronounced, and every one trusted him. He had a passion for labor, which he performed in systematic excellence, giving the same degree of care to the smallest of his tasks as to the greatest, and arranging every detail with methodical accuracy. He had become at the time of his

death a man literally overwhelmed with the multiplicity of his burdens, yet he kept taking on more.

His business was largely of the legal-commercial kind, involving at times immense interests, with ramifications extending in all directions. In the midst of it, the Republicans elected him mayor of Concord for the terms embracing 1883-'87. He was a member of the house of representatives in 1879, and of the constitutional convention in 1889. In all he did he strived for perfection, and his success was in every respect deserved. In social life he found much pleasure, for he was always a popular guest. He died, after a short illness, on the 21st of March, 1892.

Luther S. Morrill was a native of Concord, which was his residence to the day of his death, the 18th of March, 1892. Born on the 13th of July, 1844, and educated in the public schools, he entered Dartmouth, graduating in 1865. He studied law with John Y. Mugridge, and it was through the influence of that gentleman that Mr. Morrill was appointed clerk of the court in 1869, soon after his admission to the bar. This office he held for thirteen years, when he resigned and began practice. In the legislative sessions of 1869 and 1870 he was assistant clerk of the house, and in 1872 and 1873 clerk of the senate. In the famous session of 1887 he was a member of the legislature from Ward four. During the last years of his life Mr. Morrill became actively interested in the management of certain insurance companies recently organized under the well-known valued policy law, and as president, director, and executive manager of various corporations, he gave his time, and withdrew gradually from his profession.

For seventeen years prior to his death, Concord was the residence of Charles R. Morrison. He came here from Manchester, whither he had gone on resigning from the army in 1864. Bath, famous in its day as the home of many distinguished lawyers, was his birthplace, his birthday being the 22d of January, 1819. He studied with Goodall & Woods of that town, remaining there until 1845, when he moved to Haverhill. In 1851 Mr. Morrison was appointed to the circuit court, holding a judgeship until the court was abolished four years later. On the outbreak of the Civil War Mr. Morrison became adjutant of the Eleventh New Hampshire, and proved himself a sterling and courageous officer. In two respects his career was distinctive, namely, in his military experience and in his legal literary achievements. A great worker, possessed of strong will power, he did everything strenuously. His legal publications entitle him to a respectable place among professional authors. Among them are the "Digest," "Town Officer," "Probate Directory," "School Laws," and "Proofs of Christ's Resurrection." He was careful, painstaking, and accurate,

and his works have withstood the tests of time and criticism. His death occurred at Concord on the 15th of September, 1893.

Arthur W. Silsby, Concord's fourth judge of probate, was born here on the 28th of August, 1851. He attended the city schools, graduating from the high school and entering Phillips (Exeter) to fit for college. Impaired health, however, caused him to give up the plan of further education, and turning to a professional career he entered the office of Minot, Tappan & Mugridge. Admitted to the bar in 1877 he began practice in the office of this last-named lawyer, the well-known firm having, meanwhile, been dissolved. He continued his connection with this office until Mr. Mugridge's decease in 1884. In September, 1883, Governor Hale appointed Mr. Silsby judge of probate, as successor of Nehemiah Butler, who had recently deceased. Judge Silsby held this important position until his death, on the 6th of May, 1899. In the discharge of the duties involved in that responsible office, Judge Silsby achieved well-earned success. During his long tenure he saw the business of this branch of jurisprudence gradually increase in importance and volume until at the time of his death the Merrimack court stood second only to Hillsborough. Judge Silsby was careful and conservative, he tried no experiments and encouraged no departure from time-honored practice and precedent.

William L. Foster, at the time of his death, in August, 1897, had been a resident of Concord for nearly half a century. His native town was Westminster, Vt., where he was born the 1st of June, 1823. Good old Revolutionary stock was his heritage, for both grandfather and great-grandfather bore arms in the war. His youth was passed in Keene, where his father had moved, and it was in the office of Levi Chamberlain that he began the study of law. In 1845 he was graduated from Harvard Law school, and at once began practice in Keene. Mr. Foster soon gained the favorable attention of the public both in a professional and political way, and his advancement was rapid. In early life a Democrat, he won party honors, and was regarded as one of the coming leaders. From 1849 to 1853 he served as clerk of the senate, and at the same time became a colonel on the staff of Governor Dinsmoor. Nor did his honors cease with these offices, for in 1850 his friend, Governor Dinsmoor, recognizing his qualifications, appointed him state law reporter. His term lasted six years, during which were issued volumes 18, 19, 21-31 inclusive, the last known as Foster's reports. This work was done with rare intelligence and care, and remains a memorial to his industry.

In 1853 Mr. Foster moved to Concord, and formed a partnership

with John H. George. Among his gifts was a chaste and persuasive manner of public speaking, a calm eloquence that attracted and charmed his hearers. In the Democratic convention of 1852 Mr. Foster roused the enthusiasm of the members by his eloquent and fascinating presentation of Franklin Pierce as candidate for the presidency, a performance that established his standing as an orator and added to his fame. Frequently during his life, when called upon to address the people, Mr. Foster showed that time had not robbed him of that finished and captivating style of speaking which marked his early manhood. In the occasional address he was at his best, and his services were in popular demand. Among his addresses was one delivered at the dedication of Blossom Hill cemetery, which will never be forgotten by those who heard it. His quiet manner and calm, dignified air were admirably suited to his gentle words, for his methods were those of the scholar orator.

The practice of the firm was large and profitable, Mr. Foster acting as a complement to Colonel George, the two combining mental and personal qualities of a very remarkable kind. In 1867, when the latter became counsel for the Lowell Railroad, Mr. Foster took as partner Charles P. Sanborn, but this relation was of short duration, ending in 1869. In October of that year Governor Stearns appointed Mr. Foster an associate justice of the supreme judicial court, an act that elicited the heartiest commendation. It was soon evident that the bench was peculiarly the place for such a man, for in addition to his accomplishments as a lawyer were his remarkable qualities as a trier of causes. It was in holding terms that his gentleness and culture made friends of all who practised before him. His popularity has become proverbial in the annals of the bench and bar. One of the results of the political overturn in 1874 was the creation of a new judicial system comprising two separate courts, one the superior court, the other the circuit court, each composed of a chief and two justices. To the chiefship of the circuit court Governor Weston appointed Judge Foster.

In 1876 the Republicans coming into power abolished the dual courts and created the supreme court consisting of a chief justice and five associates.¹

In October, Governor Cheney commissioned Judge Foster as one of the associate justices, thus conferring upon him the rare distinction of holding a judgeship in three of the state's highest courts in as many years. From this last appointment until his resignation in July, 1881, Judge Foster did much of his best judicial work and added largely to his reputation. His labors in banc may be found in the

¹ Abolished 1901.

reports from forty-nine to sixty inclusive, and embrace two hundred and forty-three opinions, covering more than seven hundred pages. But his labors as a *nisi prius* justice are attested by a remarkable record of sixty-one trial terms, made up of two thousand two hundred and forty-nine days, during which there were three hundred and ninety-six jury trials, including nine murder cases of the first degree. He retired after a service of twelve years, and returning to the bar was soon in full favor of clientage. It was during these years that Judge Foster achieved a most gratifying success, for he had the best of clients and the most lucrative cases, and he was enabled to arrange his work as he pleased. At no period was his practice larger than at the time of his decease, when it extended throughout New Hampshire, and was particularly large in the United States courts. But Judge Foster was much more than a learned lawyer, he was a man of deep cultivation in art and literature. The love of good books was lifelong with him, and their influence had much to do in shaping his career. To a gentle disposition and exquisite urbanity were joined rich culture and literary appreciations of a high order, thus making him a well-finished man, and withal an exceedingly agreeable one. He was an assiduous reader, and possessed the faculty of intelligent assimilation, which made his conversation bright and interesting. Politically, Judge Foster was not ambitious; his political services were confined to terms in the legislatures of 1862 and 1863, yet he manifested an active interest in his party, and during the Civil War period spoke frequently on the stump. For the greater part of his life he held the office of a commissioner of the United States. Always a hard and painstaking worker, he seemed never to rest, yet he seemed never to be pushed or perplexed with his tasks; things went smoothly in his hands, for his splendidly balanced disposition softened the wear of work. Good health attended him until almost the end; for his vacations he sought summer idleness at the seashore, and at Rye, amid the charms of the ocean, he passed away on the 13th of August, 1897.

Concord was honored in the early eighties when Alonzo P. Carpenter, recently appointed an associate justice of the supreme court to succeed Judge Foster, became a resident of the city. Here he resided until his decease in 1898. Taking but slight personal interest in public affairs, devoting himself wholly to his judicial duties, Judge Carpenter, unlike other Concord judges, did not leave a deep impress on matters pertaining to the community. His birthplace was Waterford, Vt., and his birthday the 28th of January, 1829. Fitting for college at St. Johnsbury academy, he entered Williams and was graduated in 1849. Forty years later his alma mater con-

ferred upon her distinguished son the degree of LL. D. A similar honor was conferred on Judge Carpenter in 1896 by Dartmouth. He studied law with Chief Justice Woods at Bath, and with Ira Goodall, also of Bath, and was admitted to practice in 1853. Bath continued to be his residence during the whole of his professional life. From the day of his beginning practice to the day in 1881 when he accepted the judgeship at the hands of Governor Charles H. Bell, Mr. Carpenter occupied a foremost rank, not only at the Grafton bar, and throughout the state, but in Vermont and in the federal courts.

The vacancy on the supreme court caused by the retirement of Judge Foster was at once offered to Mr. Carpenter, with the unanimous concurrence of the bar. Soon after his appointment the Judge removed to Concord, having purchased the residence formerly owned by John H. Pearson on North Main street, which was to be his home to the day of his death. Judge Carpenter now devoted himself wholly to his new duties, and quickly took undisputed rank among New Hampshire's greatest judges. Endowed with remarkable talents, and possessed of untiring energy and power of application, his judicial labors bore the richest fruits. Learned as he was in the law, Judge Carpenter was also learned in literature and science; he loved study for its own sake, and was a scholar always. Socially he was a welcome guest, who contributed generously from the riches of his mind; and among those who enjoyed the pleasure of his acquaintance he shone as a conversationalist of rarest qualities. It was with singular fitness that the highest honor in the profession at last fell to him and accompanied him to the grave. It was the chief justiceship. On the decease of Chief Justice Doe, Governor Busiel, on the 1st of April, 1896, appointed Judge Carpenter as successor to that eminent jurist. Chief Justice Carpenter sustained fully the traditions of that high office, and added one more brilliant name to the honored list of the state's chief justices. His death occurred on the 21st of May, 1898.

The first city solicitor was William H. Bartlett, who subsequently attained high distinction at the bar and on the bench. His term comprised the years 1853 and 1854. Lyman D. Stevens succeeded Mr. Bartlett, holding the office in 1855 and 1856. Then came William E. Chandler for the two years 1857 and 1858. Napoleon B. Bryant served during the year 1859, and was followed by Lyman T. Flint, who continued one year, 1860. Then John Y. Mugridge entered upon a tenure, embracing the years 1861-'68. Mr. Flint was again chosen for the years 1869 and 1870. Charles P. Sanborn came next with a term covering the years 1871 to 1880, and was

succeeded by Robert A. Ray, 1880-'84. Henry W. Stevens held the office 1885-'86, his successor being Harry G. Sargent, whose term continued until 1901, when he was chosen mayor. Edmund S. Cook became Mr. Sargent's successor.

With the change in local affairs from town to city came the establishment of a police court. The first justice was Calvin Ainsworth, 1853-'54. His successor was Josiah Stevens, who held the office from 1854 to 1856. Mr. Stevens was a well-to-do citizen, a type of the old-fashioned justice who made up in common-sense what he lacked in professional learning. John Whipple was next in line, his tenure lasting about a year, his successor qualifying in June, 1857.

David Pillsbury was the next police justice. Although his residence in Concord had not been a long one, his prominence in militia affairs and his professional learning made his appointment acceptable to the public. General Pillsbury was born in Raymond the 17th of February, 1802, and was graduated at Dartmouth in 1827. Beginning practice at Chester and representing that town in the legislatures of 1842 and 1844, he lived there until 1854, when he moved to Concord. His practice was not large, but he was a careful lawyer and good counselor. His local fame rests on the reputation he made as an officer of the militia, in which he reached the highest rank, that of major-general. His term as police justice extended from June, 1857, to his death. He died at Concord, the 25th of May, 1862.

Sylvester Dana was the next appointee, his term beginning in June, 1862, and continuing until the constitutional limitation in October, 1886. Judge Dana is a well-preserved and active man, one who takes an interest in current matters, and who retains in remarkable degree the mental alertness and native wit of his middle age. Born in Orford in October, 1816, graduating at Dartmouth in the class of 1839, he began the study of law with Pierce & Fowler, and continued the study at the Harvard Law school. Judge Dana has lived in Concord nearly all his life, and has long been the Nestor of the bar.

Benjamin E. Badger followed Judge Dana in official succession, receiving his appointment in 1886. His term expired in 1901.

The present police justice is George M. Fletcher, appointed by Governor Jordan in December, 1901.

At the beginning of the twentieth century Concord has good reason to take pride in the high reputation of her bar. While the standing and attainments of Concord lawyers have been recognized for many years, there has never been a time when their strength and leadership was more generally conceded throughout the state than during the

period from 1890 to 1900. At the beginning of the twentieth century the membership of the Concord bar was as follows:

Ex-Judge Sylvester Dana, whose active professional life began in the forties; Lyman D. Stevens, only a few years the junior of Judge Dana; Samuel C. Eastman, whose name appears among those in practice in the sixties; Benjamin E. Badger; Frank S. Streeter; John M. Mitchell; Reuben E. Walker, who in 1901 was appointed to the bench of the supreme court; Harry G. Sargent; Henry W. Stevens; Edward G. Leach; Nathaniel E. Martin; John H. Albin; Edward C. Niles; Henry F. Hollis; Allen Hollis; DeWitt C. Howe; Edmund S. Cook; William H. Sawyer; Joseph S. Matthews; Fremont E. Shurtleff; Samuel G. Lane; Harry R. Hood; Benjamin W. Couch; Anson S. Marshall; Charles R. Corning; George M. Fletcher; William A. Foster; Arthur P. Morrill; Edward K. Woodworth; Archer F. Lowe; David F. Dudley; Charles N. Hall; Frederick T. Woodman; Rufus H. Baker; James H. Morris; William A. J. Giles; Cornelius E. Clifford; Harry J. Brown; Fred E. Gould; Fred C. Demond; Walter D. Hardy; Thomas H. Madigan, Jr.; Napoleon B. Hale.

The judiciary system of the state as established in 1876 underwent a radical remodeling by the legislature of 1901. In place of the supreme court of seven judges, the new act established two courts, the supreme court and the superior court, each court composed of a chief and four associate justices. This change, while encountering some opposition, was very generally urged by the bar and welcomed by the public. Concord was again honored by the appointment of William M. Chase and Reuben E. Walker as justices of the supreme court.

Judge Chase had already attained distinction by his services on the bench of the old supreme court, to which he was appointed by Governor Tuttle in 1891. The town of Canaan, renowned throughout New Hampshire as the birthplace of judges, counts William M. Chase among her sons, his birthday occurring the 28th of December, 1837. Fitting for college at Kimball Union academy, Meriden, and at the academy in Canaan, he entered the scientific department at Dartmouth in 1856, and was graduated two years later with the degree of Bachelor of Science. Mr. Chase at once began his professional studies in the office of Anson S. Marshall and was admitted to the bar in 1862. The following year the partnership of Marshall & Chase was formed, which continued until the death of the senior member in 1874. This firm became one of the most widely known in the state.

Soon after Mr. Marshall's death Mr. Chase entered into partner-

ship with Jonathan E. Sargent, who had then but recently retired from the chief justiceship of the supreme judicial court. Five years afterwards, Judge Sargent having withdrawn from practice, Mr. Chase and Frank S. Streeter entered into a partnership which continued until Mr. Chase's appointment to the bench.

Concord's other justice of the supreme court, Reuben E. Walker, is a native of Lowell, Mass., his birthday being the 15th of February, 1851. During his youth his parents became residents of Warner, and in the schools of that town he received his elementary education. He prepared for college at the New London Literary and Scientific institute and entered Brown university, from which he was graduated in 1875. Mr. Walker then came to Concord and entered the office of Sargent & Chase. Three years later, 1878, he was admitted to the bar, and began practice in company with Robert A. Ray. Mr. Walker served one term as solicitor of Merrimack county, was a member of the legislature of 1895 from Ward six, and a member of the constitutional convention of 1902. After the partnership of Ray & Walker was dissolved Mr. Walker became a partner of the firm of Streeter, Walker & Hollis, retaining his connection therewith until his appointment to the supreme court.